G. R. S. IX-5]

Previous references.

~~1917~~ 1892-93

(RR)

File No. 7/1892

Serial Nos. 1-2

Later references.

5437

P. 18

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—2

Major ~~Part~~ B for January 93

SUBJECT.

Repairs to the Bannigere tank in Coloze pet taluk.

W D 88—GPB—50,000—24-7-16

Inserted RR.

(6)

Sec

Memo.

Letter No. D 3548/22 Oct 92 from the Deputy Commr of the Bangalore District.

The Amildar of the Closepet Taluk Submitted to the Deputy Commr, an estimate for Rs. 541 for the repair of the Bamigeré tank in the Closepet Taluk which Suddenly breached on the 7th October 1889 owing to heavy rains. The Deputy Commr modified the estimate and forwarded to the Chief Engineer duly Sanctioned, an estimate for Rs. 461, with the remark that the portion of earthwork to be done by the ryots to the tank will have to be executed after filling in the breach.

* vide Dy Commrs no. 1209/10th Decr 90 to the Chief Engr.

2.

2. The Chief Engineer took objection to the filling in of the breach at Govt cost. and requested the Dy: Commr. to stop any work being done to the tank until the whole of the earthwork was executed by the ryots.

vide Chief Engineers letter no. C.150 of 9th Jany/91 to the Dy: Commr.

3. The Deputy Commr. communicated the above to the Amildar, who in reply stated that as per Sanction conveyed by the Deputy Commr., he had already given out the work of repairing the tank on Contract and that the Contractor had executed work to the extent of Rs. 247-3-7.*

* Stone & other work Rs. 138-12-6
✗ Earth work 108-7-1
247-3-7

4. The Deputy Commr. thereupon requested[x] the Chief Engineer to accept the estimate Sanctioned by him for Rs. 461. as the revenue of the tank was Rs. 107 and the few ryots (4 in number) holding lands below the tank were unable to do the whole earthwork viz., raising

[x] vide Dy. Commrs no. 148 of 24th April/91 to the Chief Engineer.

the bund of the tank to the Standard height and also the filling in of the breach.

vide Chief Engineer's no. 6. 198 of 6th May 91 to the Deputy Commr.

5. The Chief Engr. stated in reply that, according to P.W.D circular no. 24 of 2nd March 1888, the cost of Stonework & masonry in Cases of tanks yeilding a revenue of less than Rs. 300 and dealt with under minor tanks restoration Scheme, should be borne by Government and the cost of all earthwork required to bring the tanks to their Standard height should be borne by the ryots; that this rule was observed in all the Districts of the Province; and that he would not treat this case as an exception to the rule unless sufficient reason was shown for so doing.

6. The Deputy Commr. communicated the above letter to the

Amildar & directed him to get the remaining portion of the earthwork done by the ryots and to recover from them the Sum already Spent by the Contractor for filling in the breach of the tank. The Amildar reported that he issued notices to the parties concerned, but that they objected to pay the amount on the ground that they were too poor to bear the cost of earth work and that the revenue of the tank being Rs. 10 8/10/ the Govt Should carry out the work as in the case of Kanchigarahalli tank which yeilded a Revenue of Rs. 2 6 9-10-4.

7 The Deputy Commr pointed out to the Chief Engr that as per cir. no. 56 of 7th June 186 Govt Should bear the cost of filling up the breach, if the revenue of the tank was

Vide Deputy Commr's no. 391 of 20th May 192 to the Chief Engr

being debited to Govt in such cases in which the work is beyond the competence of the ryots, the concession asked for may be granted and the cost of filling in the breach borne by Govt as a Special case.

Submitted for orders with copies of the D & C Circulars quoted by the Deputy Commissioner

J.D.
1/12/92

Noted
25/12

Forwarded for Dy Commr's orders - The Dy Commr's action may be confirmed - Filling in a breach can hardly be called Ryots work -

Attd 25/1

The circumstances quoted seem unobjectionable in this case. I sanction the grant as a special case and confirm the action taken by the Dy Commr

CH
27/1/93

were so heavy as to prevent all communication between Closepet and Bhairamangala and other places thereabouts for 3 or more days together owing to the jungle Streamlets on the way running with water more than 9 feet deep - Consequently in the list of Sanctions for November 1890, forwarded to the Chief Engineer, provision was made in the Sanctioned Estimate for the repair of the said tank, including the filling of the breach also. As the Chief Engineer took objection to the cost of the Earthwork necessary to fill in the breach, being borne by Government unless there were sufficient reasons for so doing

Rev. Br
Jn Memo. Mr. 4
4/10/92

Submitted with Memo as directed:-

8/10/92

1/12/92

Section (1
File No 11 1 2
Serial No 1 1

(General Serial No. 30.) (5)

1892-93.
4158.

From The Deputy Commissioner
R 1099
Bangalore District

To -

The Chief Secretary to the Dewan of Mysore.

Dated 22nd } October 1892
Despatched 24th }

Received

Enclosures No. 1 file of Sundry Papers

General No.

D No. 354

~~In reply to~~

SUBJECT.

Forwarding for orders correspondence regarding the Bannigere Minor Tank Reg^d No. 74 in the Closepet Taluk & recommends that concession be shown to the extent of the cost of the breach filling borne by Government.

References (to be entered only in the Dewan's Office).

25/10

(5)

D. No. 354.

Encls. 1 file of
English & Ver: Papers.

Deputy Commissioner's Office
Bangalore District
22nd October 1892

To The Chief Secretary to the
Dewan of Mysore

Sir I have the honor to forward, herewith, for perusal and such orders as the Government may be pleased to kindly pass thereon, the file of correspondence (English and vernacular), regarding the Bannigere minor tank, Register No: 74, in the Closepet Taluk. It will be seen therefrom (vide orzee No: 309 of the 10th October 89. from the Amildar of Closepet) that the tank breached all on a Sudden from rains which

were so heavy as to prevent all communication between Closepet and Bhairamangala and other places thereabouts for 3 or more days together owing to the jungle Streams & lets on the way running with water more than 9 feet deep - Consequently in the list of Sanctions for November 1890, forwarded to the Chief Engineer, provision was made in the Sanctioned Estimate for the repair of the said tank, including the filling of the breach also. As the Chief Engineer took objection to the cost of the Earthwork necessary to fill in the breach, being borne by Government unless there were sufficient reasons for so doing

(vide letters nos. 150 of 9th January 1891 and 198 of 6th May 1892), letter No: 391 of 26th May 1892 was written to the Chief Engineer with the reasons for breach-filling being done by Government, and stating that under the circumstances therein mentioned, it might be taken as a Special case for consideration. The Chief Engineer has declined to do so in letter No: 2716 of 31st May 1892.

2- I have further to bring to notice that para III of Public Works department circular No: 56 of 7th June 1886, lays down that preventing or filling in a breach to tanks yielding a

Revenue of above Rs 100, is to be done by Government. In pursuance of the same, provision was made for breach filling in the Sanctioned Estimate, and the work was given out on contract. The contractor who had Executed the breach filling work costing about Rs 109 and other works, costing in all, about Rs 248, prior to the receipt of the Chief Engineer's letter above referred to, is clamouring for payment. Again, Public Works Department Circular No: 24 of 2nd March 1888, pointed out by the Chief Engineer in both his letters, does not State, nor does it seem even to imply that breaches

of the kind referred to, should be done by ryots; and it is but right in my opinion that ryots should be held responsible for sudden breaches of the kind above referred to, as preventing such breaches is evidently beyond their control. In a recent circular, No: 54 of 12th august 1890, para 11 provides for the cost of Emergent works being debited to Government in those cases in which the work is beyond the competence of the ryot.

3. As the 4 ryots owning land under the tank have, besides the breach filling already done by the contractor, to do other Earth work costing Rs 156, to bring the

tank to the Standard of repair,

— I request that the necessary concession may be shown to the ryots and the cost of the breach filling borne by Government. This was the view taken of the case by Mr Madhava Rau.

I have the honor to be

Sir

Your most obedient Servant

[illegible]

for Deputy Commissioner

RR

(7)

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 28th January 1893.

READ :—

Letter No. 354, dated the 22nd October 1892, from the Deputy Commissioner, Bangalore District, stating that in the list of sanctions for November 1890, provision was made for filling in the breach in, and executing other repairs to, the Bannigere minor tank in the Closepet Taluk, and the work was given out on contract, that the Chief Engineer in his letter of the 6th May 1891 objected to the cost of filling in the breach being borne by Government on the ground that raiyats had to carry out the earth-work ; that by that time however the contractor had done the work and that though under Public Works Department Circular No. 56 of 7th June 1886 and Circular No. 54 of 12th August 1890, the work of filling in the breach was to be done by Government, the Chief Engineer declined to sanction the cost even as a special case ; and soliciting sanction to the cost of the earth-work in question being borne by Government.

No. 13193-5—R. 1641 DATED, BANGALORE, 28TH JANUARY 1893.

ORDER THEREON.—Government observe that the Circulars quoted by the Deputy Commissioner do not apply to the present case. As however the work was entrusted to a contractor under a misapprehension of the standing orders and has been executed by him, the cost will, as a special case, be borne by Government.

T. ANANDA ROW,
Chief Secretary.

To—The Deputy Commissioner, Bangalore District. 16 3 spare copies
The Chief Engineer and D. P. W. Secretary.
The Comptroller in Mysore.

Exd.—M. A.

(7) Draft

1892–93.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS.

Dated 28th January 1893.

No. 13193-5.
R. 1641.

Directing that, the cost of filling up the breach in, and executing other repairs to, the Bannigere minor tank in the Closepet Taluk be, as a special case, borne by Government.

Mysore Govt. Central Press, Bangalore.—9-2-93.—120.